

Missouri General Water Quality Certification for NWP 44, Mining Activities

1. Excavation of sand or gravel deposits shall be limited to deposits in unconsolidated areas containing primarily smaller material (at least 85% of the material is less than 3 inches in diameter) that is loosely packed and contains no woody perennial vegetation greater than one and one-half (1.5) inches in diameter, measured at breast height (4.5 feet).
2. An undisturbed buffer of twenty (20) feet shall be maintained between the removal area and the water line at the time of excavation, and between the removal area and bank vegetation greater than one and one-half (1.5) inches in diameter, measured at breast height. Sand and gravel removal for personal use only shall maintain an undisturbed buffer of ten (10) feet in the areas specified in this condition. Width of buffer areas may be modified after an on-site visit determines that a smaller width buffer area would not significantly impact the biological, physical, or chemical integrity of the water resource.
3. An undisturbed streamside (riparian) buffer of 25 feet shall be maintained in an undisturbed condition landward of the high bank for the length of the gravel removal site. Disturbed areas in this riparian zone shall be limited to maintained access road(s) for ingress and egress only. No clearing within this riparian area is authorized in association with work authorized by this permit.
4. Sand or gravel shall not be excavated below water elevation at the time of removal. If the stream is dry at the time of excavation, excavation shall not occur deeper than the lowest undisturbed elevation of the stream bottom adjacent to the site.
5. Water conveyance areas within the channel shall not be relocated, straightened, cut-off, shortened, widened, or otherwise modified. A "water conveyance area within the channel" is defined as that area between the high banks of the creek where water is flowing, or in the case of a dry stream, where water would flow after a rain event as indicated by a defined stream channel.
6. Within 30 days of the removal of excavation equipment from the site, streambank areas disturbed by the removal operation shall be revegetated or otherwise protected from erosion. For long-term operations (longer than 30 days) or for sites that will be periodically revisited as gravel is deposited, access points shall be appropriately constructed and maintained such that stream banks and access roads are protected from erosion.
7. Any aggregate, fines, and/or oversized material removed from the site shall be placed in an upland, non-wetland site that has been approved by the landowner. No material, including oversized, that results from excavation activity may be stockpiled or otherwise placed into flowing water or placed against streambanks as bank stabilization.

8. All sand or gravel washing, gravel crushing, and gravel sorting shall be conducted above the high bank, in a non-wetland area and away from areas that flood, such that gravel, silt, and wash water that is warm, stagnant, or contains silty material cannot enter the stream or any wetland. All fines resulting from the sorting operation shall be captured in a transport truck or other suitable container and removed from the sorting location to a suitable disposal site the same day that the sorting occurs. All sorted aggregate shall be removed from the gravel bar at the end of each working day, with the exception of oversized material that will be spread out in the excavation area following project completion.
9. Vehicles and other equipment shall be limited to removal sites and existing crossings. Streams shall be crossed perpendicular to the direction of the stream. Use of off-road vehicles in streams is also regulated under Missouri State Law (RSMo 1991 Section 304.013).
10. Fuel, oil, and other wastes and equipment containing such wastes shall not be stored or released at any location between the high banks or in a manner such that they could enter the stream channel. Such materials shall be disposed of at authorized locations.
11. Petroleum products spilled into any waterbody or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly.
12. Sand and gravel operations may require a permit for stormwater runoff and/or gravel washing. Contact the appropriate Department of Natural Resources, Regional Office, for information.
13. If any part of the authorized work is performed by a contractor or other party, these conditions shall be discussed with the contractor or party. A copy of these conditions shall be given to the contractor or other party involved in the excavation activities.
14. Operators shall consult with the Missouri Department of Conservation and the U.S. Fish and Wildlife Service as to the presence of State and Federal Threatened and Endangered Species in the stream reach in order to avoid jeopardizing the species' continued existence or destroying or adversely modifying the habitat of such species.
15. Care shall be taken to keep machinery out of the waterway as much as possible.
16. The following are not suitable as bank stabilization materials: earthen fill, gravel, broken concrete where the majority of material is less than 12 inches in diameter, concrete with exposed rebar, asphalt, tires, vehicles or vehicle bodies, construction or demolition debris or liquid concrete, including grouted riprap.
17. This certification is not valid until all necessary Missouri Department of Natural Resources, Water Pollution Control Program, permits have been obtained.
18. This water quality certification is not valid for any Section 404 permit issued on a water listed as impaired pursuant to Section 303(d) for contaminants that are involved in the permitted activity, including but not limited to sediment, flow alteration, nutrient enrichment, suspended solids, habitat destruction, temperature and dissolved oxygen or if the activities are located in or occurs within 2 miles upstream of a designated outstanding state or national resource area (10 CSR 20-7.031).